

EXHIBIT 5

Frontier

Mail

News

Sports

Finance

Weather

Groups

Answers

Flickr

More

Q All Search

Search Mail

Search Web

Compose

Archive

Move

Delete

Spam

Collapse All

Inbox (72)

Drafts (2)

Sent

Archive

Spam (380)

Trash (21)

Smart Views

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Folders

Recent

Eastman Kodak Class Action (3)

aeh1@frontier.com

Hi, a announcement was in the news this mor

Apr 28 at 10:07 A

aeh1@frontier.com

Yes feel free to call me at 585-8806950 Sent fr

Apr 28 at 11:42 A

Joseph Weeden <weeden2012@yahoo.com>

May 18 at 5:24 P

To aeh1@frontier.com

Allen, as discussed, please review, sign and return the attached declaration ASAP. You may return by email here or by fax to (855) 425-2775.

Regards,

-Joe

Show original message

Plaintiff D... .pdf

1 OF 4 PAGES

Reply

Reply to All

Forward

More

Click to reply all

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

IN RE EASTMAN KODAK ERISA
LITIGATION

MASTER FILE NO. 6:12-CV-06051-DGL

THIS DOCUMENT RELATES TO:
ALL ACTIONS

JURY TRIAL DEMANDED

DECLARATION OF PLAINTIFF ALLEN E. HARTTER

I, Allen E. Hartter, hereby declare and state as follows:

1. I am one of the named Plaintiffs in this action and a resident of the state of New York. I am a former employee of the Eastman Kodak Company ("Kodak"), where I worked from 1991-2014.

2. I submit this Declaration in support of Plaintiffs' motion for approval of the proposed settlement and fee and expense application.

3. While I was employed by Kodak, I was a participant in The Eastman Kodak Employees' Savings and Investment Plan (the "Plan"). I was participant in the Plan during the period from January 1, 2010 to March of 2012. During that period, my Plan account contained Kodak's company stock.

4. I am represented by the law firm of Berger & Montague P.C. (hereinafter, "my counsel"). I understand that the Court appointed IZARD NOBEL LLP and CONNOLLY, WELLS & GRAY, LLP, as Interim Lead Counsel for all of the ERISA Plaintiffs and that these firms work with my counsel to prosecute this case (together, "Plaintiffs' Counsel"). I believe that these firms will and have vigorously represented the interests of the Class.

5. After much thought, I agreed to serve as one of the named plaintiffs. I understand that among other things, this case was brought as a class action lawsuit against the individuals and entities that were responsible for the Plan to recover losses to the Plan as a result of investment in Kodak stock during the period from January of 2010 through March of 2012.

6. After I agreed to serve as a named plaintiff in this case, I conferred regularly with my counsel, including numerous telephone calls and e-mail correspondence. I have also responded to questions and requests for information from counsel.

7. During the period from May to November of 2015, I responded to three different sets of interrogatories and three different sets of requests for admissions. I also searched for documents in response to a request for production of documents and turned over the responsive documents that I had.

8. I understood at the time that I agreed to participate as a named plaintiff that I might have to appear for a deposition and give testimony in this action. On three separate occasions, I arranged a time with my counsel to have my deposition taken. Each time the deposition was postponed. However, I was willing to go through the process each time. I was also prepared to give testimony in court had the case gone to trial.

9. During the course of the litigation, I actively participated in the following activities: (i) reviewing documents such as Plan-related documents and other materials; (ii) reviewing other court documents and discussing them with my counsel; (iii) engaging in regular communications with counsel concerning the status and strategy of the case; (iv) searching my own files for documents related to the case and sending what I found to my counsel; (v) regular updates with my counsel about concerning my responses to discovery requests; (vi) discussing deposition dates with counsel and making arrangements to attend; (vii) discussing the proposed settlement talks


with counsel in advance of the mediation; and (viii) approving the proposed settlement. I performed these tasks with care and consideration for my role as a representative of a class of persons injured by the Defendants' conduct.

10. I believe that the proposed settlement is in the best interests of the Class and would ask the Court to approve it. I also support the application for attorneys' fees and expenses.

11. I also respectfully request that the Court award me, and the other proposed Class Representatives, a case contribution award of \$5000 each as compensation for the time and effort that we have spent on the case on behalf of the whole class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24 day of May, 2016.

A handwritten signature in cursive script, appearing to read "Allen E. Hartter", is written over a horizontal line.

Allen E. Hartter